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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☐ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

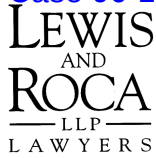
Jointly Administered Under Case No.  
BK-S-06-10725 LBR

**STIPULATION FOR ORDER ON  
DUPLICATIVE CLAIM (PROOF OF  
CLAIM 10725-01689) BY FERTITTA  
ENTERPRISES, INC.**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.



1 USACM Liquidating Trust and Fertitta Enterprises, Inc. ("Fertitta"), through their  
2 respective counsel, stipulate:

3 1. On December 12, 2006, Fertitta filed Proof of Claim No. 10725-01689,  
4 which asserted an unsecured claim in the amount of \$4,353,000.00 based upon an  
5 investment in the Tapia Ranch Loan.

6 1. On January 17, 2007, Fertitta filed Proof of Claim No. 10725-02181, which  
7 asserted an unsecured claim in the amount of \$12,214,670.00 based upon the same  
8 investment in the Tapia Ranch Loan and investments in two other loans.

9 2. The parties stipulate that the Proof of Claim No. 10725-01689 shall be  
10 withdrawn and disallowed in full because it is duplicative of Fertitta's subsequently filed  
11 Proof of Claim No. 10725-02181.

12 3. In accordance therewith, the parties submit a stipulated Order.

13  
14 DATED: September 29, 2009

15 LEWIS AND ROCA LLP

16 By: /s/ John Hinderaker (AZ #018024)  
17 Rob Charles, NV 6593  
18 John Hinderaker, AZ 018024 (*pro hac vice*)  
19 *Counsel for USACM Liquidating Trust*

20 -and-

21 PARKER, MILLIKEN, CLARK,  
22 O'HARA & SAMUELIAN  
23 A PROFESSIONAL CORPORATION

24 By: /s/ Gregory M. Salvato  
25 Gregory M. Salvato

26 555 So. Flower Street, 30<sup>th</sup> Floor  
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Attorneys for FERTITTA ENTERPRISES, INC.



1 Copy of the foregoing served on  
2 September 28, 2009, via e-mail to:

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s/Renee L. Creswell  
Lewis and Roca LLP